

City Council Introduction: **Monday**, June 23, 2003
Public Hearing: **Monday**, June 30, 2003, at **5:30 p.m.**

Bill No. 03R-159

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 228J**, an amendment to the **CAPITOL BEACH WEST COMMUNITY UNIT PLAN**, requested by Larry and Gay Nelson, to reduce the front yard setback from 19.5' to 15' on property located at 472 West Lakeshore Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/11/03
Administrative Action: 06/11/03

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional Approval (8-0: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor voting 'yes').

FINDINGS OF FACT:

1. The purpose of this amendment to reduce the front yard setback at 472 West Lakeshore Drive is to provide the owner with ample living and storage space and to allow the new home to be a comfortable distance from Capitol Beach Lake. (See p.12).
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that there are many garages and carports throughout Capitol Beach that encroach into the setbacks; Public Works & Utilities does not object to the reduced setback; this request is consistent with the character of the Capitol Beach area and with previous amendments.
3. On June 11, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On June 11, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 16, 2003

REVIEWED BY: _____

DATE: June 16, 2003

REFERENCE NUMBER: FS\CC\2003\SP.228J

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #228J

PROPOSAL: Reduce the front yard setback from 19.5' to 15'.

LOCATION: 472 West Lakeshore Dr.

CONCLUSION: There are many garages and carports throughout Capitol Beach that encroach into the setbacks. Public Works & Utilities Department does not object to the reduced setback. This request is consistent with the character of the Capitol Beach area and with previous amendments.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 41, Block 1, Capitol Beach West Addition and Lot 196 I.T. located in the NE 1/4 of Section 21, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-2 Residential with a Community Unit Plan

EXISTING LAND USE: Single family house

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Single family dwellings
South:	R-2 Residential	Single family dwellings
East:	R-2 Residential	Capitol Beach Lake
West:	AG Agriculture	Interstate 80

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan identifies this area as Urban Residential.

HISTORY:

February 14, 2000 Special Permit #228I to reduce the front yard ranging from 5.5 feet to 2.25 feet on five lots to build carports was approved by City Council.

February 14, 2000	Special Permit #228H to reduce the front yard to 16 feet for the construction of a dwelling unit and garage was denied .
September 14, 1998	Special Permit #228G to reduce the front yard setback to 15' 10" and the side yard to 4' 3" to allow a garage and a house addition was approved by City Council.
August 3, 1998	Special Permit #228F to reduce the front yard to 14.5' and the side yard to 2' to allow a garage was approved by City Council.
January 9, 1995	Special Permit #228E to reduce the side yard to 8 inches for a garage was approved by City Council
May 31, 1994	Special Permit #228D to reduce the front yard to 19 inches and the side yard to 21 inches was approved by City Council.
December 3, 1990	Special Permit #228C to reduce the front yard to 13.5' to allow a garage was approved by City Council.
November 20, 1989	Special Permit #228B to reduce the front yard to 14' 7" and side yard to 2' to allow a garage was approved by City Council.
January 7, 1985	Special Permit #228A to convert the Capitol Beach area into a community unit plan and setting the front yard at 19.5' was approved by City Council.
April 1962	Special Permit #228 to construct and operate a recreational area was approved by City Council.

TRAFFIC ANALYSIS: West Lakeshore Dr. is a local private road

ANALYSIS:

1. This is an application to reduce the front yard setback from 19.5' to 15'. The Capitol Beach West Community Unit Plan set the front yard setback at 19.5 feet.
2. The applicant's letter states that the reason for the reduced front yard is to have ample living and storage space in our new home and so that the back of the new home will be a comfortable distance from Capitol Beach lake.
3. The applicant's letter states that there will be 22' from the curb to the garage. The site plan identifies 15' from the property line to the garage. There is no dimension as to the distance from the curb to the garage.

4. City of Lincoln Design Guidelines states that there is to be a minimum of 22' from the garage to the curb. (Chapter 4.00-9)
5. There have been numerous special permits granted previously to reduce setbacks for the construction of garages or carports. However, these additions were to existing homes.
6. Public Works and Utilities Department does not object to the reduction in the front yard setback provided that the distance from the garage to the curb is 22 feet.
7. Letters of support from the property owners on each side of the applicants property have been submitted.
8. Public works and Utilities Watershed Management Department notes that the lot is located in the 100 year floodplain and appropriate permits from Building & Safety must be obtained.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 The buildable area line is unnecessary. The buildable area is established by the setbacks in the R-2 zoning district. Remove the buildable area line and references to it.
- 1.1.2 Identify the curb line and dimension the distance from the curb to the garage. This distance shall not be less than 22 feet.
- 1.1.3 Identify the property line.
- 1.1.4 Dimension the distance from the house to the rear property line.
- 1.1.5 The 7.5 foot sewer and water main easement on the west edge of the lot as measured from the curb.
- 1.1.6 Correct the zoning reference on the site plan. The correct zoning is R-2.

2. This approval permits a reduction in the front yard from 19.5 feet to 15 feet, but not less than 22 feet from garage to curb.

General:

3. Before receiving building permits:

2.3 The construction plans comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

3.1 Before occupying this dwelling unit all development and construction is to comply with the approved plans.

3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka
Planner

DATE: May 28, 2003

APPLICANT: Larry & Gay Nelson
2130 So. Canterbury Lane
Lincoln, NE 68512
(402) 423-5663

OWNER: same as applicant

CONTACT: same as applicant

SPECIAL PERMIT NO. 228J

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

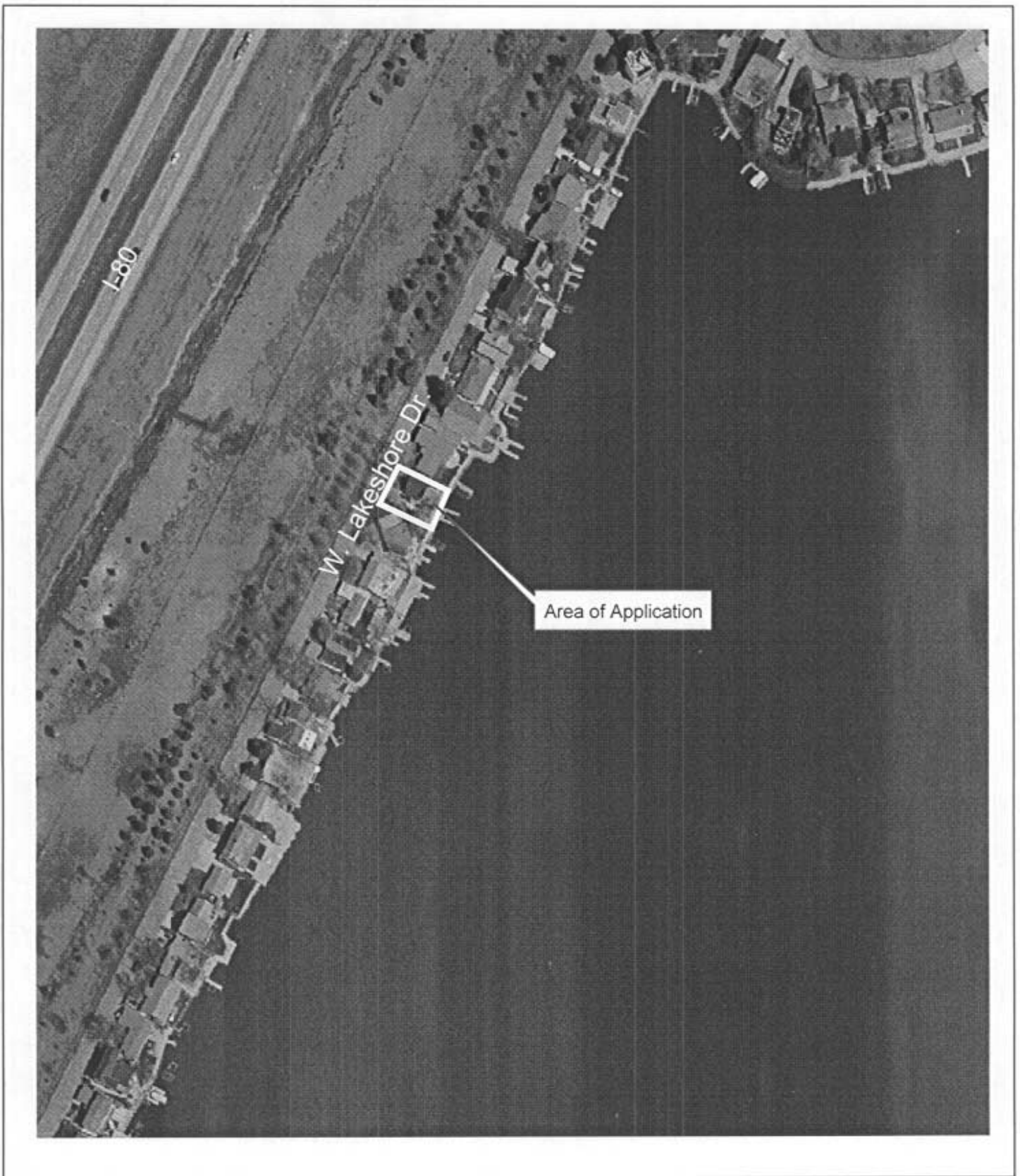
June 11, 2003

Members present: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 228J; SPECIAL PERMIT NO. 2018; and PRELIMINARY PLAT NO. 02021, EDM INDUSTRIAL CENTER.**

Larson moved to approve the Consent Agenda, seconded by Taylor and carried 8-0: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

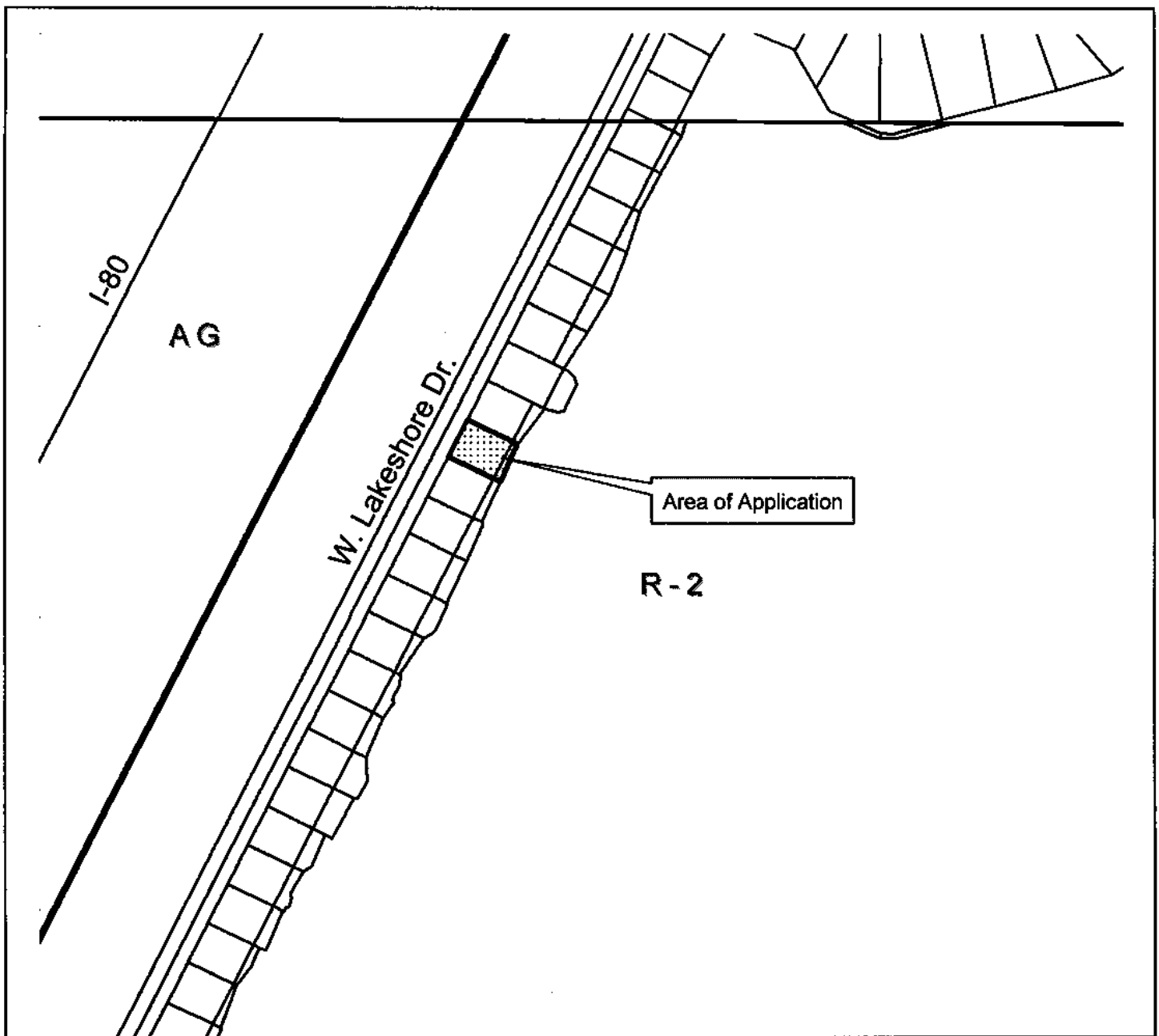
Note: This is final action on Special Permit No. 2018, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Special Permit #228J
472 W. Lakeshore Dr.



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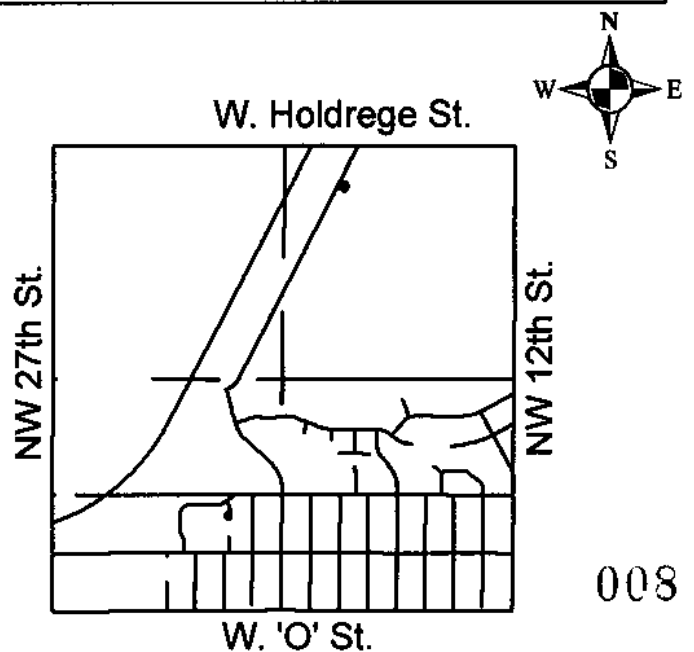
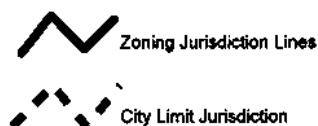


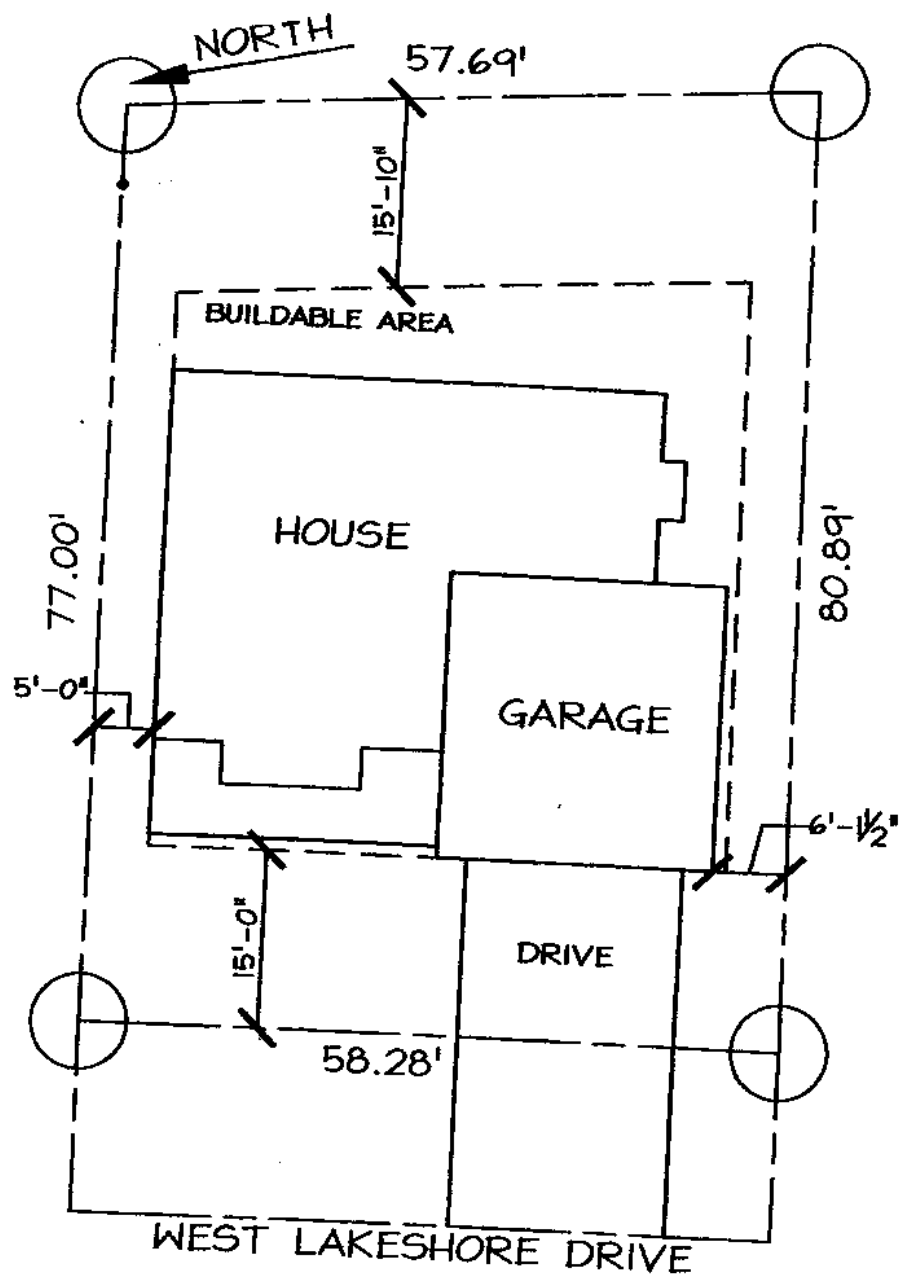
Special Permit #228J 472 W. Lakeshore Dr.

Zoning:

- R-1 to R-8 Residential District
 AG Agricultural District
 AGR Agricultural Residential District
 R-C Residential Conservation District
 O-1 Office District
 O-2 Suburban Office District
 O-3 Office Park District
 R-T Residential Transition District
 B-1 Local Business District
 B-2 Planned Neighborhood Business District
 B-3 Commercial District
 B-4 Lincoln Center Business District
 B-5 Planned Regional Business District
 H-1 Interstate Commercial District
 H-2 Highway Business District
 H-3 Highway Commercial District
 H-4 General Commercial District
 I-1 Industrial District
 I-2 Industrial Park District
 I-3 Employment Center District
 P Public Use District

One Square Mile
Sec. 21 T10N R6E





WEST LAKESHORE DRIVE
BEST VALUE HOMES
 472 WEST LAKESHORE DRIVE
 R-3 ZONING
 SCALE 1/16" = 1'-0"

LEGAL DESCRIPTION: LOT 41, BLOCK 1, CAPITOL BEACH WEST AND LOT 196 IRREGULAR TRACT,
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, T 10 N, R 6 E,
 LINCOLN, LANCASTER COUNTY, NEBRASKA

M e m o r a n d u m

To: Tom Cajka, Planning Dept
From: Bruce Briney, Public Works and Utilities
Subject: Special Permit #228J, 472 West Lakeshore Drive
Date: May 28, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #228J for 472 West Lakeshore Drive. Public Works has reviewed the May 27, 2003 letter from the applicant to the Planning Department stating that the distance between the proposed garage and the existing street curb will be 22'. Public Works has no objection to the application provided that the distance from the garage to the curb is not less than 22'. Public Works notes that there is a 7.5' sanitary sewer and water easement on the west edge of the lot as measured from the curb.

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**



MEMORANDUM

Date: May 22, 2003

To: Tom Cajka

cc: Ben Higgins, Dennis Bartels

From: Devin Biesecker

Subject: *Special Permit #228J*

Below are Watershed Management's comments for special permit 228J. Comments are based on plans submitted May 15, 2003 to the Planning Department.

1. This lot is located in the 100 year floodplain. Appropriate permits should be obtained from the Building and Safety Department.

May 27, 2003

Planning Director
City Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Sir:

As per Tom's request, we are faxing you this letter. We are asking to build the new house four feet closer to the street in order for us to have ample living and storage space in our new home. We also need the extra four feet so that the back of the new home will be a comfortable distance from Capitol Beach Lake. The extra four feet will result in our driveway being 22 feet from the garage to the curb.

If we can be of further assistance, please contact us.

Sincerely,



Larry L. Nelson
2130 S. Canterbury Lane
Lincoln, NE 68512
Phone: 423-5663

To: Larry and Gay Nelson
472 West Lakeshore Drive
Lincoln, NE 68528

I understand that the Nelson's desire to demolish the existing house at 472 West Lakeshore Drive and build a new home. I also understand that the new home would be 5 feet closer to the street than the present house.

I have no objection to the new home being built 5 feet closer to the street.

Signature:


Richard Urbanovsky
462 West Lakeshore Drive


Date:

5-22-03

To: Larry and Gay Nelson
472 West Lakeshore Drive
Lincoln, NE 68528

I understand that the Nelson's desire to demolish the existing house at 472 West Lakeshore Drive and build a new home. I also understand that the new home would be 5 feet closer to the street than the present house.

I have no objection to the new home being built 5 feet closer to the street.

Signature: 
Anna Hirschman
482 West Lakeshore Drive

Date: May 21, 03